

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
2005 FEB -3 P 12:30

Cruz v. Spencer,

No. 05-10133-NMG
DISTRICT COURT
DISTRICT OF MASS

AFFIDAVIT IN SUPPORT OF MOTION
FOR STAY

I, Pablo Cruz, do hereby depose and state the following to be true:

1. I am the petitioner in the above-captioned Habeas Corpus matter.
2. I have exhausted all my State remedies as high as the Supreme judicial Court except for the following:
 - a. A missing witness and instructions;
 - b. Denial of the assistance of counsel.
3. I intend to return to the Superior Court with a M.R.Crim.P. 30 and exhaust the remainder of those issues.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY
THIS THIRTY-FIRST DAY OF JANUARY, TWO-THOUSAND
AND FOUR.

/s/ Pablo Cruz
Pablo Cruz
Box 43,
Norfolk, MA 02056